

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SIXTY-01 ASSOCIATION OF APARTMENT
OWNERS,

Plaintiff(s),

v.

SCOTTSDALE INSURANCE CO.,
Defendant(s).

NO. C04-2336

ORDER DENYING PLAINTIFF'S
MOTION TO ALLOW TESTIMONY
OF DAVID GADBOIS


This matter comes before the Court on Plaintiff's Motion to Allow Testimony of David Gadbois (Dkt. No. 37). Having reviewed Plaintiff's Motion, Defendant's Response and all other pertinent papers and documents related to this Motion, the Court DENIES this motion.

In a previous Order on this issue, the Court stated that, "Plaintiffs may bring a motion to have the Court allow the testimony of Mr. Gadbois if they are able to identify a judicial opinion supporting the notion that expert testimony of this nature would be of assistance to the jury." (Dkt. No. 36). Although Plaintiff does cite some authority supporting the notion that experts may be used to testify regarding industry practice where an insurance contract is ambiguous (e.g. Travelers Indem. Co. v. Scor Reinsurance Co., 62 F. 3d 74, 78 (2nd Cir. 1992), Defendant is correct in its observation that Plaintiff has yet to present a report by Mr. Gadbois that discusses all of the matters to which Plaintiff claims he will testify. Plaintiff should have submitted this information, at the very latest, along with this motion. Because it is impossible for the Court to evaluate the value of an expert's opinions without a report before it and because allowing an expert's testimony without a report would be prejudicial to Defendant, the Court must DENY Plaintiff's Motion.

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1 The clerk is directed to send copies of this order to all counsel of record.

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3 Dated: January 4 , 2006

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5 Marsha J. Pechman
6 United States District Judge
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